

CORRESPONDENCE

3/17/2008

TO: JUDGE SUSAN OKI MOLLWAY  
U.S. DISTRICT COURT JUDGE

RE: MARK B. CHERRY  
CR 00-00487SOM-01  
SUPERVISED RELEASE

I am writing this letter in regards to the conditions of my supervised release, I am hopeful that after reviewing my file along with the information that I have provided a favorable decision will be made for me.

I was released from the bureau of prisons custody in February of 2006 after serving my sentence.

Upon my release I was not required to attend any aftercare program or random drug testing. I decided to undergo my own aftercare program at the Institute of Criminal Rehabilitation (ICR) with Bill Mitchell who does the aftercare for the RDAP program with ATS. I also agreed to voluntary weekly drug testing at ICR. I paid for all of this out of my own pocket as this is a private and non-funded program

I completed his one year program in March in 2007, where I earned my Clinical Discharge, and have continued to volunteer to help Bill Mitchell with his program by attending his meetings as we try to help State parolees integrate back into society.

I also have become very involved in my church with several ministries. I attend New Hope Christian Fellowship weekly. I volunteer to help with Spirit of Aloha, where we help the community. I also volunteer at all of the Water Baptisms for New Hope. I am also very involved in New Hope Canoe Club where I am a coach for the kid's crews. All of this is my way of helping to make a difference in a very positive way for the community that I had harmed with my crimes.

MAR 18 2008

I am not asking for forgiveness, my crimes were unforgivable. I just know I have finally grown after making many mistakes in my life. I am doing so well, better than I thought I ever would. My time in prison is the best thing that ever happened to me. Without my prison time and the chance to take the RDAP program, the ATS aftercare and the continuing programs that I still love to attend today who knows where I would have ended up.

I have outlined some of the things that I am doing during my probation and my ongoing recovery, these are a few examples of how I have turned my life around completely.

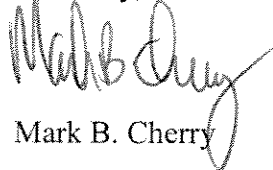
I am requesting that my probation of 4 years be terminated at the halfway point of 2 years. I understand that this is a very rare occurrence in the federal system, though in my extraordinary case I feel that I do have a good chance.

The 4 years of probation would not be a problem if it were not for the fact that I work for a family company, Commercial Shelving, Inc. My father is the president and was one of the founders over 40 years ago. He found out that he has Liver Cancer last year and I am trying to get my contractors license to carry on the company. I applied to the State of Hawaii Contractor License Board, but they denied my application on the basis that I am still on probation. They have said that they will review it again once I am off of my Federal Probation. I do not have that long, my fathers cancer is inoperable at this point and we are not sure how much longer he will be around. My fathers name is Ralph Cherry and you may call him if you wish to discuss this with him at 836-3811.

If you have any questions please contact me at Ph. 780-4974, I could come in and meet with you anytime you would choose. Also you may contact Bill Mitchell at the Institute of Criminal Rehabilitation at Ph #621-3600 to discuss my case and my ongoing recovery. I have signed a consent form at ICR so that my probation officer can review my file at ICR.

I only ask for your consideration of my request. Thanks so much for taking the time to read my letter.

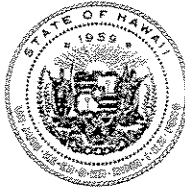
Sincerely,

A handwritten signature in black ink, appearing to read "Mark B. Cherry". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark B. Cherry

LINDA LINGLE  
GOVERNOR

JAMES R. AIONA, JR.  
LIEUTENANT GOVERNOR



LAWRENCE M. REIFURTH  
DIRECTOR

NOE NOE TOM  
LICENSING ADMINISTRATOR

## CONTRACTORS LICENSE BOARD

STATE OF HAWAII  
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
P.O. BOX 3469  
HONOLULU, HAWAII 96801  
[www.hawaii.gov/dcca/pvl](http://www.hawaii.gov/dcca/pvl)

February 7, 2008

### VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Mark B. Cherry, RME  
Commercial Shelving Inc.  
1020 Green Street  
Honolulu, Hawaii 96822

Dear Mr. Cherry:

Re: Application for a Contractor's License

At its January 18, 2008 meeting, the Contractors License Board ("**Board**") reviewed the additional information you submitted regarding your prior criminal convictions and voted to deny your application in accordance with Hawaii Revised Statutes ("**HRS**") §§ 436B-19(14) and 831-3.1(b). Those sections provide in relevant part as follows:

1. HRS §436B-19:

"In addition to any other acts or conditions provided by law, the licensing authority may . . . deny . . . any license for any one or more of the following acts or conditions on the part of the . . . licensee . . .

(14) Criminal conviction, whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions, or duties of the licensed profession or vocation;"

2. HRS §831-3.1(b):

"The State or any of its branches, political subdivision, or agencies may consider as a justification for the refusal . . . of any . . . license, . . . any conviction of any crime, except those which have been expunged, occurring within the past ten years, excluding any period of incarceration, when that crime bears a rational relationship to the duties and responsibilities of the job, occupation, trade, vocation, profession, or business for which a . . . license . . . is applied for or held."

Mr. Mark B. Cherry, RME  
Commercial Shelving Inc.  
February 7, 2008  
Page 2

After much discussion, the Board determined that your conviction for conspiracy to import into the United States 1 kilogram or more of heroin and 500 grams or more of cocaine is directly/rationally related to the qualifications, functions, or duties of a licensed contractor pursuant to HRS §§ 436B-19(14) and 831-3.1(b). In addition, the Board was concerned that you are still on supervised release.

If you wish to request a contested case hearing on this decision, you must submit a request for a hearing to the Board within 60 days of the date of this letter. If your request for a hearing is not in the Board's office by **April 7, 2008**, you will lose your right to a hearing and your right to appeal to the circuit court.

A contested case hearing is held before a Hearings Officer who will review the information that the Board reviewed when it made its decision to deny your application. Please understand that the hearing process is not an opportunity to submit new information. All information should have been presented at the time you asked the Board to consider your application. You may, however, submit new information by filing an application for the Board to consider instead of a hearing.

After the contested case hearing, the Hearings Officer will make a recommendation to the Board. Both sides will be allowed to present any areas of disagreement with the Hearings Officer's recommended decision. The Board will consider the Hearings Officer's recommendation and the arguments by the parties, and then issue a final order. If you disagree with the Board's final order after having pursued your contested case hearing option, you may appeal that decision to the circuit court. You must complete the contested case hearing process before you request relief from the circuit court.

If you have any questions on the above, please do not hesitate to contact me at 586-2700.

Very truly yours,



Verna Oda  
Executive Officer

VO:js



## Commercial Shelving, Inc.

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2835 Uaiena Street • Honolulu, HI 96819-1911 / P.O. Box 29480 • Honolulu, HI 96820-1880  
Phone: (808) 836-3811 / FAX: (808) 833-7552

CHARLENE L.K. TAMANAHA  
EXECUTIVE OFFICER  
CONTRACTORS LICENSE BOARD  
P.O. BOX 3469  
HONOLULU, HI 96801

RE: MARK B CHERRY  
COMMERCIAL SHELVING INC

DEAR MS. TAMANAHA,

During our phone conversation last month you stated that at this time the Contractors Board is denying my application based on the fact that I am still on Federal Probation.

I am in a hurry to get my license because my father Ralph B. Cherry has liver cancer and it is very doubtful that he will be here in 2 more years. He has been a contractor in good standing for many years here in Hawaii.

Please send me a letter that states when and why my application has been refused so that I may forward it to Judge Susan Mollway, who will make the decision as to whether or not to terminate my probation now so that I can get my license.

Your prompt help in this matter will be greatly appreciated.

Thank you,

MARK B CHERRY  
COMMERCIAL SHELVING INC

UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
PROBATION OFFICE

Term C 338  
Cons. copy of Judgment

RICHARD W. CRAWFORD  
Chief Probation Officer

February 16, 2006

Room C - 110  
300 Ala Moana Blvd.  
Honolulu, Hawaii 96850-0110  
Tel. (808) 541-1283  
FAX (808) 541-1345

RE: CHERRY, Mark B.  
CR 00-00487SOM-01  
CONDITIONS OF SUPERVISED  
RELEASE

Mark B. Cherry  
46-395 Holokaa Street  
Kaneohe, Hawaii 96744

Dear Mark:

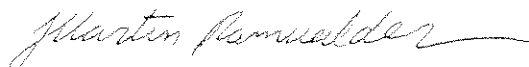
Pursuant to your request, I am writing this letter to confirm that when you were sentenced in the U.S. District Court, District of Hawaii, under Criminal No. CR 00-00487SOM-01, the Court did not impose any condition that required you to participate in a substance abuse treatment program during your supervision term. Consequently, you have not been referred to the federal drug aftercare and random drug testing program at Freedom Recovery Services, Inc. or Hina Mauka.

However, it should be noted that the Court is not precluded from modifying your conditions of supervision at a later date, if it deems that such modifications are necessary to enhance your supervision and encourage your rehabilitation.

Given these circumstances, I commend you for seeking substance abuse aftercare treatment with the Institute for Criminal Rehabilitation and for allowing the Probation Office to discuss your status and progress with your treatment provider. Please keep me apprized of your situation with regard to your aftercare program, including any significant changes in your level of care or incident reports relating to your treatment and drug testing.

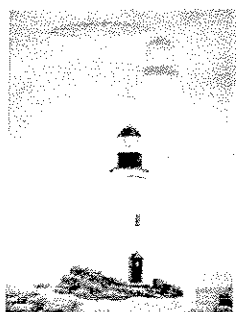
Please feel free to contact me at 541-1371 if you have any questions regarding this matter.

Sincerely,



J. Martin Romualdez  
U.S. Probation Officer

(3)



**Institute for Criminal Rehabilitation**

"A Light That Shines Leads To Success"

P.O.Box#860718

Wahiawa, Hawaii 96786

Phone: (808) 621-3600/ Fax (808) 621-8895

December 05, 2007

To Whom It May Concern:

This letter is in regards to Mr. Mark Cherry. It has been indeed a pleasure to have worked with Mark as he was making his transition back into the community.

Mr. Cherry was a referred client from the Bureau of Prisons upon his return to Oahu in fall of 2005 for the remaining six month of his transitional re-entry program.

Mark separated himself from the others because of his genuine commitment to his recovery and his outstanding values and characteristics. Mr. Cherry is a dedicated and honest individual, and is always willing to use himself as an example when sharing on difficult situations that his peers would encounter.

Mr. Cherry continues to makes positive steps towards being a committed and productive citizen in the community. He continues to help others with their struggles by attending weekly meetings as a mentor to those who appear to have difficulties and doubts about changing their live.

Mr. Cherry would be an asset and a value to the construction field, as well as a mentor to new individuals entering the field and some of those that have problems with making proper decision about life issues.

It is my understanding that Mr. Cherry is applying for his contractor's license from the state of Hawai'i. I fully support Mr. Cherry in his pursuit of this endeavor and it is with great pleasure that I submit this letter of character reference for him.

Respectfully Submitted,

William A. Mitchell; ICADC, CSAC  
Founder and Director

CONFIDENTIAL

This information has been provided to you from records whose confidentiality is protected by Federal Law. Federal regulations (42 CFR Part 2, and 45 CFR Parts 142, 160, 162 and 164) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose.

# *Criminal Discharge*

The Institute for Criminal Rehabilitation

"A Light That Shines To Success"

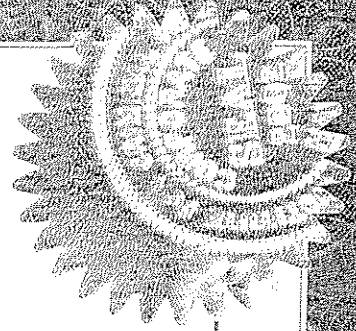
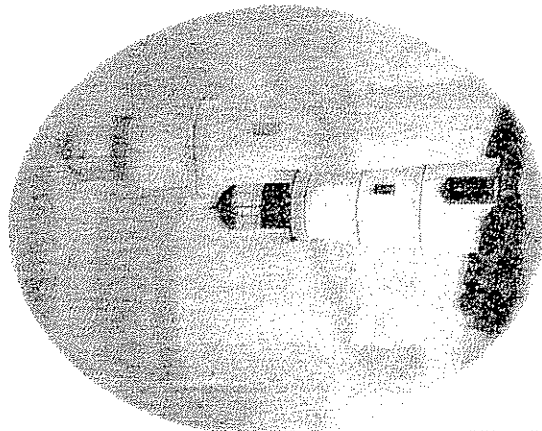
Presented to:

*MARK B. CHERRY*

On March 21, 2007

For successfully completing all phases of the  
*The Institute for Criminal Rehabilitation's*

*SMART RECOVERY Program*

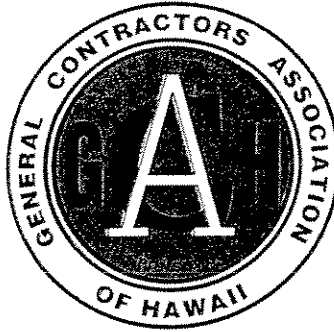


*William A. Mitchell*

William A. Mitchell, CSAC, ICADC  
Founder/President / Director

*3/21/07*

Date



# CERTIFICATE OF ATTENDANCE

THIS CERTIFIES THAT

**MARK CHERRY**

HAS SUCCESSFULLY ATTENDED THE COURSE

## **Supervisory Training: The Pitfalls of Hiring and Firing**

THIS CERTIFICATE IS ISSUED BY THE GENERAL CONTRACTORS ASSOCIATION OF  
HAWAII THIS 26th DAY OF OCTOBER, 2006

HUMAN RESOURCES CHAIR: CINDY SAIKI

October 26, 2006

DATE SIGNED

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Carol Bartz  
President, Chief Executive Officer

**Mark B. Cherry**

Name

**AutoCAD 2006 Essentials**

Course Title

**June 8, 2006**

Date

**Mike Jennings**

Instructor

**Autodesk Premier ATC at Honolulu Community College**

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